

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
STATESBORO DIVISION

OWNERS INSURANCE COMPANY,

PLAINTIFF,

V.

ALL CLEAN CLEANING &
RESTORATION, INC.
AND TERESA MOSLEY,

DEFENDANTS.

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CIVIL ACTION NO.:
6:19-cv-00079-JRH-CLR

STIPULATION OF DISMISSAL

COMES NOW Owners Insurance Company (hereinafter referred to as "plaintiff"), plaintiff in the above-styled action, and All Clean Cleaning & Restoration, Inc. and Teresa Mosley, defendants in the above-styled action, and pursuant to Fed. R. Civ. P. 41(a), stipulate to the voluntary dismissal of the above matter, and agree as follows:

1.

Plaintiff filed this action on August 23, 2019, pursuant pursuant to Rule 57 of the Federal Rules of Civil Procedure and 28 U.S.C. § 2201. On August 30, 2019, plaintiff filed its First Amended Complaint against both defendants.

2.

Defendant Teresa Mosley filed her Answer on November 11, 2019 and Defendant All Clean Cleaning & Restoration, Inc. filed its Answer on November 12, 2019.

3.

On May 21, 2020, Plaintiff filed its Motion to Reopen Discovery.

4.

On June 8, 2020, Plaintiff filed its Motion for Summary Judgment.

5.

On June 29, 2020, both defendants filed their respective Response to Plaintiff's Motion for Summary Judgment.

6.

As of the date of the filing of this Stipulation of Dismissal, the aforementioned motions are pending with the Court.

7.

On September 14, 2020, parties in the underlying action agreed to settle Teresa Mosley's claims against All Clean Cleaning & Restoration, Inc. The underlying action is pending in the State Court of Toombs County, Georgia styled as Civil Action No.: 19SV00102:

TERESA MOSLEY,

PLAINTIFF,

v.

ALL CLEAN CLEANING
& RESTORATION, INC.,

DEFENDANT.

8.

The settlement and expected filing of the dismissal with prejudice of the underlying action renders Plaintiff's Amended Complaint for Declaratory Judgment and the aforementioned motions moot and resolves all issues asserted in Plaintiff's Amended Complaint for Declaratory Judgment and Defendants' Answers and the aforementioned motions.

9.

Therefore, all parties do hereby stipulate and agree pursuant to Fed. R. Civ. P. 41 (a) to the Plaintiff's voluntary dismissal of the above matter without prejudice.

Respectfully submitted, this 15th day of September, 2020.

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CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of the foregoing **STIPULATION OF DISMISSAL** with the Clerk of Court using the CM/ECF system and served a true and correct copy of the foregoing upon all parties by depositing same in the United States mail in an envelope with adequate postage affixed thereon and addressed as follows:

Mr. William J. Degenhart
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Mr. Paul Kelly Cook
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This 15th day of September, 2020.

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